

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

FRANCISCO R. DELRIO,

Defendant.

8:14CR378

MEMORANDUM AND ORDER

This matter is before the Court on defendant's motions for appointment of counsel pursuant to [Fed. R. Crim. P. 44](#) and [18 U.S.C. § 3006A](#). Filing Nos. 55 and 57. Defendant plead guilty to a violation of 18 U.S.C. § 922(g)(1). The Court imposed a sentence of 80 months and 3 years of supervised release. Since that time, the Supreme Court decided *Hughes v. United States*, 138 S.Ct. 1765 (2018). Under this case, defendant contends he is entitled to a two-level reduction of his sentence.

The Court will appoint counsel for the defendant to address the applicability of the *Hughes* case to this particular defendant.

THEREFORE, IT IS ORDERED THAT:

1. The Defendant's motions to appoint counsel, Filing Nos. 55 and 57, are granted;
2. Assistant Federal Public Defender Jennifer L. Gilg located at 222 South 15th Street, Suite 300N, Omaha, NE 68102, is hereby appointed as counsel for the defendant;

3. Counsel for the defendant shall immediately file an appearance in this case;
4. The defendant shall have thirty days from the date of this Memorandum and Order to file a brief addressing the *Hughes* case arguments;
5. The government shall have 14 days thereafter to file a brief containing its arguments.

Dated this 5th day of February, 2020.

BY THE COURT:

s/ Joseph F. Bataillon
Senior United States District Judge